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PATENT  
P57712

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

YOUNG-TAEK SUL

Serial No.: 10/562,925

Examiner: AUSTIN, AARON

Filed: 30 December 2005

Art Unit: 1775

For: OSSEOINDUCTIVE MAGNESIUM-TITANATE IMPLANT AND METHOD  
OF MANUFACTURING THE SAME

**PETITION UNDER 37 C.F.R. §1.181**

Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions from the Examiner's failure to acknowledge the filing and receipt of the foreign priority documents in the above-captioned application, and as reasons therefor, states that:

**CERTIFICATE OF  
FACSIMILE TRANSMISSION**

I hereby certify that, on 7 August 2008,  
this correspondence is being facsimile  
transmitted to the U.S. Patent & Trademark  
Office (Facsimile No. 571-273-8300)

Total 5 sheets

  
For Robert E. Bushnell  
Reg. No. 27,774

Folio: P57712  
Date: 8/7/08  
I.D.: REB/kf/fw

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**STATEMENT OF FACTS**

1. On 30 December 2005, Applicant filed a PCT application for the U.S. national phase examination, claiming all benefits accruing under Title 35 U.S. Code 365(b)(c) of Applicant's priority PCT international application filed on 4 March 2004 and duly assigned Serial No. PCT/KR2004/000460.
2. Upon the filing of this PCT application for the U.S. national phase examination, Applicant received a stamped postcard receipt from the Mail Room of the U.S. Patent & Trademark Office, confirming the timely filing and receipt by the Office of the copies of International Publication WO2005/084577 and International Search Report (PCT/ISA/210).
3. On Box 3 of Form PTOL-37, in the Notice of Allowance (Paper No. 20080706) mailed on 15 June 2008, the Examiner failed to indicate acknowledgment of a claim of priority for Applicant's PCT international application No. PCT/KR2004/000460 filed on 4 March 2004.

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**REMARKS**

A copy of Applicant's postcard receipt attesting to the timely filing and receipt of a PCT application for the U.S. national phase examination is enclosed. There is therefore, a timely perfection of Applicant's claim for priority. Correction of the record and prosecution history, is respectfully requested.

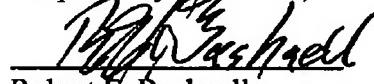
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**RELIEF REQUESTED**

Accordingly, Applicant respectfully requests the Commissioner to:

- A. Confirm in writing that a certified copy of PCT international application No. PCT/KR2004/000460 has been received by the U.S. Patent & Trademark Office, from the International Bureau.
  
- B. Confirm that the Applicant has timely perfected Applicant's claim for priority.
  
- C. Grant such other and further relief as justice may require.

Respectfully submitted,

  
\_\_\_\_\_  
Robert E. Bushnell

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P57712 (Small Entity)      December 30, 2005      PCT-National Stage

Applicant: YOUNG-TAEK SUL

S.N.: *to be assigned*

Filed: 30 December 2005

International Application No. PCT/KR2004/000460 filed on 4 March 2004

For: OSSEOINDUCTIVE MAGNESIUM-TITANATE IMPLANT AND  
METHOD OF MANUFACTURING THE SAME

Document(s) filed:

1. Form PTO-1390
2. Fee Transmittal and Check #50162 for \$500.00
3. Copies of - WO 2005/084577 A1; International Search Report (PCT/ISA/210);
4. PTO-1449 & Transmittal of PTO-1449 with four (4) patent reference(s)
5. Declaration (executed), Transmittal of Declaration
7. Preliminary Amendment
8. This post card.

